IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3994 OF 2005

Prakash Mallikarjun Dhopare ... Petitioner

V/s.

Smt.Amarawabai Rachappa Thalange ... Respondent

Mr.A.Y. Sakhare i/b M/s.YKS Legal for Petitioner
Mr.Vineet Naik for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **AUGUST 22, 2005**

P.C.:

. Leave to amend. Amendments to be carried out within two weeks from today.

2. The petition challenges the concurrent findings of fact of the Courts below. Both the Courts have found the need of the landlord is bonafide and reasonable. The suit premises are required by the landlord who has no toilet block either in the premises where he is residing or on the same floor. The toilet block, is on the ground floor. The need of the son of the landlord for running his sweetmeat shop has also been considered.

3. Both the Courts have found that the tenant i.e., the Petitioner herein, owns a 3-storeyed building

opposite the suit shop. Both the Courts have also found the hardship which will be caused to the Petitioner is not so grave as would be caused to the landlord if the decree was not passed.

4. In view of this, no interference is called for. Petition rejected.

5. Time to vacate the suit premises is granted upto 31.12.2005 on condition that the Petitioner files an undertaking in the usual terms within two weeks from today.